

**MINUTES**  
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**  
**Wednesday, July 11, 2012 – 9 a.m. – Room 119**  
**Charlotte County Administration Center**  
**18500 Murdock Circle**  
**Port Charlotte, FL 33948-1094**

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

**Members Present**

Tom Thornberry, *Chairman*  
Katherine Ariens, *Secretary*  
Bill Truex  
Blair McVety  
Steve Vieira

**Staff Present**

Derek Rooney, *Assistant County Attorney*  
Shaun Cullinan, *Zoning Official*  
Ken Quillen, *AICP, Planner III*  
Diane Clim, *Recorder*

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**I. Call to Order**

*Chairman Thornberry* called the July 11, 2012 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

**II. Pledge of Allegiance**

*Chairman Thornberry* led the members and the audience in reciting the Pledge of Allegiance.

**III. Roll Call**

Roll call was taken; a quorum was present.

**IV. Swearing In of Those Giving Testimony**

*Diane Clim* swore in all persons who wished to provide testimony.

**V. Approval of Minutes**

***ACTION: A motion was presented by Ms. Ariens and seconded by Mr. Truex to approve the minutes of the June 13, 2012 meeting of the Board of Zoning Appeals, motion passed with a unanimous vote.***

**VI. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the July 11, 2012 Board of Zoning Appeals meeting were submitted.

**VII. Introduction of Staff/Comments**

*Chairman Thornberry* introduced staff. *Shaun Cullinan*, *Zoning Official*, *Attorney Derek Rooney*, and *Chairman Thornberry* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

**VIII. New Business**

***The following petitions were advertised on June 26, 2012: VAR-12-08, SE-12-09, and SE-12-010***

**Petition #VAR-12-008**

Tim Bronson, agent for Judy Justice, is requesting two variances, one to reduce the required 10.83' side yard setback by 2.73' to allow an 8.1' side yard setback for an existing detached garage, and another to reduce the required 10' side yard setback by 2.5' to allow a 7.5' side yard setback for the existing principal residence, in a Manasota Single-family-3.5 (MSF-3.5) zoning district. The property address is 4005 North Beach Road, Englewood, and is described as Parcel P6-8, located in Section 01, Township 41 South, Range 19 East.

Ken Quillen presented general information and staff findings for the petition.

**Applicant Presentation**

**Tim Bronson, agent for the applicant**, said he was sworn in. He agreed with the staff report.

***Chairman Thornberry opened the meeting to Public Hearing.***

**Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. McVety. The public hearing was closed with a unanimous vote.***

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

**Board Member Comments and Questions**

**ACTION:** ***A motion was presented by Katherine Ariens and seconded by Blair McVety that Petition VAR-12-008 be APPROVED based on the Community Development Staff Report dated July 3, 2012, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with 3 conditions.***

***Motion was approved with a unanimous vote with the following two conditions:***

1. The first variance, as approved by the Board of Zoning Appeals, is to reduce the required 10' side yard setback by 2.5' to allow a 7.5' side yard setback, for the existing residence.
2. The second variance, as approved by the Board of Zoning Appeals, is to reduce the required 10.83' side yard setback by 2.73' to allow an 8.1' side yard setback for an existing detached garage.

3. All future development must be constructed according to all applicable codes in existence at that time, unless a variance is granted specific to the development proposed at that time.

#### **SE-12-009**

William Barnett, agent for CenturyLink, is requesting a special exception to allow an essential service in a Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 21431 Dawson Avenue, Port Charlotte and is described as Lot 20, of Block 1399 in Port Charlotte Subdivision, Sub-section 28, located in Section 15, Township 40 South, Range 22 East.

Ken Quillen presented general information and staff findings for the petition.

#### **Applicant Presentation**

**Von Thayer, CenturyLink construction manager, agent for the applicants**, said he was sworn in. He said the device they are replacing is to give service to customers in the geographic area. They are purchasing the property from the owner.

**William Barnett, Engineer for the project, agent for CenturyLink**, said he was sworn in. Mr. Barnett explained that the two boxes currently on the site and they would be replaced. He discussed that process and said they would be willing to put a fence up for the neighbor.

***Chairman Thornberry opened the meeting to Public Hearing.***

#### **Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. McVety. The public hearing was closed with a unanimous vote.***

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

#### **Board Member Comments and Questions**

None

**ACTION:** A motion was presented by Bill Truex and seconded by Blair McVety that ***Petition SE-12-009 be APPROVED based on the Community Development Staff Report dated July 3, 2012, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with 4 conditions, including a new condition the applicant must install a fence.***

***Motion was approved with a unanimous vote with the following four conditions:***

1. This special exception, as approved by the Board of Zoning Appeals, is to allow an essential service, consisting of a telephone and internet communications pair gain, and extends only to the land included in the Site Plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed telephone and internet communications pair gain.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.
4. A privacy fence shall be installed and maintained along the westerly side of the equipment pad to screen the equipment form the residence located to the west.

#### **SE-12-010**

Mary Sprague, agent for First Christian Church of Punta Gorda, Inc., is requesting a special exception to allow a house of worship with a fellowship hall in an Agriculture Estate (AE) zoning district. The property address is 4124 Taylor Road, Punta Gorda and is described as Parcel P8-1, located in Section 21, Township 41 South, Range 23 East.

#### **Applicant Presentation**

**Mary Sprague, agent for the applicants**, said she has been sworn in. Ms. Sprague said she is the engineer for this project. As Ken discussed, they do meet all the criteria. She included the specifics on each of the items. When this church was built, there was no requirement for a special exception. In 1981 when the new code came out, it made this site a legally non-conforming use. This church has been active for 32 years. They would like to build a fellowship hall. We meet all the criteria and it will be processed through development review.

***Chairman Thornberry opened the meeting to Public Hearing.***

#### **Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. McVetys. The public hearing was closed with a unanimous vote.***

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

#### **Board Member Comments and Questions**

None

**ACTION:** A motion was presented by Bill Truex and seconded by Blair McVety that Petition SE-12-010 be APPROVED based on the Community Development Staff Report dated July 3, 2012, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with 3 conditions.

**Motion was approved with a unanimous vote with the following three conditions:**

1. This special exception is to bring the existing house of worship into conformity with the Zoning Code and to allow construction of a new building for a fellowship hall.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including parking and landscaping, are applicable to the construction and operation of the existing church and proposed new fellowship hall building.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. **Public Comments** - None

X. **Staff Comments** – None

XI. **Member Comments** – None

XII. **Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, August 8, 2012, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:15 a.m.

Respectfully submitted,

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Diane Clim, Recorder  
/dlc

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Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date: \_\_\_\_\_